



# RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Schedule Date: June 8, 2006

Prepared by  
**STATE RECORDS BRANCH**  
Public Records Division  
Kentucky Department for Libraries and Archives



# RECORDS RETENTION SCHEDULE

## Signature Page

Environmental & Public Protection  
Agency

June 8, 2006  
Schedule Date

Department for Environmental Protection  
Unit

Change Date

June 8, 2006  
Date Approved By Commission

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## APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

[Signature]  
Agency Head

June 8, 2006  
Date of Approval

[Signature]  
Agency Records Officer

June 8, 2006  
Date of Approval

[Signature]  
State Archivist and Records Administrator  
Director, Public Records Division

June 8, 2006  
Date of Approval

[Signature]  
Chairman, State Archives and Records Commission

6/8/06  
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

[Signature]  
Records Analyst/Regional Administrator

6/8/06  
Date of Approval

[Signature]  
Appraisal Archivist

June 8, 2006  
Date of Approval

[Signature]  
State/Local Records Branch Manager

8 June 06  
Date of Approval

The determination as set forth meets with my approval.

[Signature]  
Auditor of Public Accounts

6-8-2006  
Date of Approval

**STATE AGENCY RECORDS  
RETENTION SCHEDULE**

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Certification

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05508	Certification Records (V)	Kentucky law requires that the Department issue certifications to specified individuals, organizations, and equipment prior to engaging in environmentally related activities. Most certifications are given to individuals, allowing them to perform particular tasks. This series provides documentation on certifications, which include, but are not limited to, drinking water operators, wastewater operators, landfill managers, landfarm managers, and asbestos removers.	This series may include certification applications, exam results, correspondence, licenses, training class and continuing education information, and disciplinary action documentation	Agency: I	Records Center:	Archives Center:  Retain in Agency for 2 years after certification expires. Destroy

# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Compliance

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05494	Compliance Monitoring Records (V)	This series documents that staff at regulated facilities verify and report compliance with environmental standards and permitted pollution limits as prescribed by law. Facilities are required by regulation or by permit to meet certain environmental standards. Records in this series document the environmental monitoring (such as soil sampling, water quality sampling, air quality source sampling) performed to show compliance with these standards at regulated facilities. Departmental staff evaluates the monitoring results and supporting documentation to determine if limits have been exceeded and to determine if proper protocol was followed in gathering the results. If the report indicates violations of a required environmental standard, the issue may be addressed by the agency through an enforcement action.	This series may include dates, facility names and addresses, monitoring data, compliance reports, chain of custody records, lab sheets, sampling plans, and related correspondence	Agency: 10 years	Records Center:	Archives Center:
				Retain in Agency for 10 years, then destroy.		
05495	Notification and Complaints Records (V)	KRS 224 requires that regulated entities report to the Agency any release or threatened release of pollutant(s) into the environment in such quantities or concentrations as to cause or threaten to cause an imminent and substantial danger to human health and/or to the environment. Reports of these releases or threatened releases are considered notifications. The Agency also receives and responds to environmental concerns identified by the general public. These concerns are recorded as complaints. This series contains all records regarding the notifications and the complaints received by the Agency. This series documents all correspondence between the departmental staff investigating the notification/complaint and the parties involved in the investigation. It also documents all inspections performed as a result of the notification/ complaint and documents all actions the department and regulated facility took in response to the notification/complaint.	This series may include name and address of entity having release or threatened release; entity identification number ; notification reports; complaints reports; emergency response reports; photographs; and supporting documentation.	Agency: 10 years	Records Center:	Archives Center:
				Retain in Agency for 10 years, then destroy.		
05497	Compliance Deficiency Notification Records (V)	This series documents an entity's violations of Kentucky's environmental statutory and regulatory requirements. The documentation will outline remedial measures and/or actions to ensure a return to compliance. These series will include notices of violation, letters of warning, and supporting documentation. These documents usually represent initial attempts to return a facility to compliance prior to referring the violations to the Division of Enforcement.	This series may include name of entity in violation; identification number of entity, letters of warning, notices of violations, violation determinations, follow-up inspection reports and related correspondence	Agency: 1	Records Center:	Archives Center:
				Retain in Agency for 10 years after case closure, destroy.		



# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Compliance

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05498	Federal Assistance Review Records	This series documents proposed projects being conducted by Kentucky entities that are also seeking federal financial assistance from the Environmental Protection Agency. The federal government requires that all requests for federal financial assistance be routed through the state clearinghouse located in the Governor's Office for Local Government. The state clearinghouse then evaluates these projects and determines whether they could have an environmental impact. If so, the documents are routed to the DEP for review and recommendations. These records document the Department's reviews and recommendations of projects assigned to the Department.	This series may include name, address, identification number of requesting entity, application for federal assistance, amount requested, project plan(s), agency recommendations, and related correspondence	Agency: 3 years  Destroy	Records Center:	Archives Center:
05499	Environmental Impact Study Records (V)	Pursuant to 40 CFR, environmental studies (also known as environmental impact studies) are required to be conducted by a facility or entity on projects that may impact human health and/or the environment. These studies are not required as part of state law. The Department only reviews these studies as part of a larger federal government review. If the DEP has comments on a study, those comments are forwarded to the federal agency in charge of the project. These evaluations or studies are provided to the Department by the facility and this series documents the review process and comments.	This series may include name, address, identification number of the facility or entity, environmental assessments, environmental impact statements and related correspondence.	Agency: P  Retain in agency	Records Center:	Archives Center:
05500	Financial Assurance Records	KRS 224 requires that certain facilities post financial assurance to ensure that funds are available to address potential environmental damages in the event of a release of pollutants or contaminants. This series documents the facility's ability to meet those requirements. Agency staff reviews these documents -- letters of credit, bonds, insurance policies, and other supporting documentation and correspondence -- to determine if facilities have the financial guarantees to make them eligible to perform certain regulated activities.	This series may include name, address, facility identification number, list of agents used in processes, various financial mechanisms to demonstrate financial assurance, such as: insurance policies, bonds, letters of credit, etc.	Agency: 2 years  Retain in Agency for 2 years after the financial assurance term expires. Destroy.	Records Center:	Archives Center:
05501	Compliance Evaluation Records (V)	KRS 224 and the regulations promulgated thereto require that facilities comply with state and federal environmental statutes and regulations. This series documents the records created through the efforts of DEP inspectors and other staff to demonstrate compliance with Kentucky environmental requirements. This series includes the inspection reports, photographs and other documentation of field inspectors, geologists, and other Agency staff that perform visits to regulated entities to determine compliance with applicable state and federal regulations.	This series may include name, location and address of facility, investigation reports, inspection reports, photographs, correspondence, compliance documentation and sample analyses	Agency: 10 years  Destroy	Records Center:	Archives Center:

# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Compliance

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05502	Emissions Inventory Records (V)	KRS 224.20-050 authorizes the Department to assess fees against air emissions to fund the air quality control program. This series documents the process of conducting emissions inventories for fee assessment. These documents include the surveys of the regulated facilities, which determine the potential and actual pollutant emissions from the facilities. These surveys are generally conducted on an annual basis.	This series may include name, location and address of facility, emissions survey letters, checklists, billing, and related correspondence.	Agency: 10 years  Destroy	Records Center:	Archives Center:
05503	Ambient Monitoring Records (V)	Pursuant to KRS 224, the DEP is required to monitor the environmental quality of areas surrounding facilities to ensure protection of human health, safety, and the environment. This series provides documentation of the processes used for the assessment. These series includes records of environmental sampling, documentation that the sampling was performed in accordance with standard practices, sample results, and the documentation proving that results are valid. All documents in this series are part an ambient monitoring initiative and are not directly related to determining if a particular facility or group of facilities is in compliance with applicable environmental regulations.	This series may include monitoring data, quality control records, chain of custody records, lab sheets, sampling plans, and related correspondence	Agency: Permanent	Records Center:	Archives Center:
05504	Facility Planning Records (V)	401 KAR Chapter 5 and 8 require that facilities plan for future wastewater and drinking water service to the public and submit to these plans to the Department. These plans indicate future coverage areas and the anticipated timelines for extending this service. These plans allow the agency to evaluate system needs and treatment capacity. The series includes plans and records related to utility services.	This series may include 201 wastewater facility plans, sewer overflow plans, drinking water monitoring plans, reports, and related correspondence.	Agency: 20 years  Retain in agency for 20 years. Destroy.	Records Center:	Archives Center:
05505	Authorization Records (V)	Kentucky law requires that the Department issue authorizations to facilities for environmentally related activities that could result in harm to the environment and/or to public health and/or safety. This series documents the authorization to conduct business activities that are stated in KRS 224. This series may include but is not limited to permits and registrations which allow regulated entities to perform disposal of solid waste, to store, treat or dispose of hazardous waste, to treat wastewater sludge or other bio-solids, to operate petroleum underground storage tanks, to discharge wastewater to waters of the Commonwealth, to install groundwater wells, to construct wastewater treatment facilities, to withdraw water from the waters of the Commonwealth, to construct in a floodplain, to construct drinking water facilities, and to emit air pollutants from a facility.	This series may include authorization applications, approval letters, permits, registration forms, permit modifications, deficiency letters, and related correspondence.	Agency: 1  Destroy 10 years after end of authorization period.	Records Center:	Archives Center:

# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Compliance

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05506	Corrective Action and Closure Records (V)	KRS Chapter 224 requires that facilities adequately address contamination caused by releases of pollutants to the environment to ensure protection of the environment, safety, and public health. This series documents actions taken by the facilities to remediate the site either by removal of the contamination or methods used to manage and monitor the area. The records may include maps, site sketches, monitoring results, plans, photographs, and other documentation that reviewers use to assess the extent of contamination at a facility and to determine if the actions being taken at a facility are appropriate.	This series may include notice of intent forms, closure applications, site investigations plans, corrective action plans, sample analyses, property records, site visit reports, and related correspondence.	Agency: I	Records Center:	Archives Center:
				Retain in Agency for 30 years after case closure and remediation has been completed. Destroy. In event case closure and remediation are not obtained, records are to be kept in agency permanently.		
05507	Technical Assistance Records (V)	KRS 224 allows for Department personnel to assist entities in their efforts to comply with Kentucky's environmental requirements. Due to the nature of environmental laws, the regulated public is often confused on how to best comply with environmental regulations. The public may also have non-regulatory questions on how to good stewards of the environment. This series documents the assistance provided by Agency staff to answer these question and provide assistance.	This series may include site visit reports, correspondence, assistance tracking reports, photographs, compliance implementation plans, and sample analyses.	Agency: 10	Records Center:	Archives Center:
				Destroy		
05509	Institutional Control Records (V)	KRS 224 provides for the establishment of institutional controls to be placed on a property to ensure that contamination left in place in a managed state is not disturbed and that the property use will be managed to prevent adverse exposures. This series documents the controls, as reviewed by Department personnel, that are used to monitor the managed area. These controls are usually in the form of an environmental covenant or a deed restriction. In the event contamination is left in place in a managed state, notices are filed at the county clerk's office in the county where the facility is located. The Department is mandated by the Federal Environmental Protection Agency to track institutional controls throughout their existence.	This series may include deed restrictions, covenant not to sue documents, and related documents and correspondence	Agency: P	Records Center:	Archives Center:
				Retain in Agency		
05510	Program Delegation Records (V)	The Federal government may delegate the primary responsibility for implementing a federal program at a state level pursuant to 40 CFR. To receive program delegation, the agency must implement a program that is at least as stringent as the federal program and be able to demonstrate that it has the capacity to maintain oversight of the program. If the federal government concurs with this request, the state is given primacy to implement the program and the federal government retains a oversight role to ensure the agency maintains its responsibilities under the delegations. This record documents this delegation process and approval.	This series may include federal delegation notices and related correspondence.	Agency: P	Records Center:	Archives Center:
				Retain in Agency		

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Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Compliance

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05511	Environmental Audits	KRS 224.01-40 allows entities to assess their compliance voluntarily and then disclose violations to the Department without threat of enforcement provided they address their violations in a timely manner. The Kentucky Legislature established this process to encourage staff to routinely evaluate their facility's compliance and take steps to correct any areas that do not meet the regulatory standards. This record series documents the evaluation conducted by the facility, the finding of non-compliance, and then documents the processes implemented by the facility to correct the violations.	This series ay include audit reports, sample analyses, and related correspondence.	Agency: 10	Records Center:	Archives Center:
				Retain in Agency. Destroy		



# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Enforcement

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05496	Enforcement Records (V)	This series documents the administrative and judicial process employed by the Department to ensure that an entity returns to compliance with Kentucky environmental requirements. These records also document assessed penalties associated with noncompliance as provided in KRS 224. This series includes the records of facility's violations of state or federal regulations that were identified by the agency. These violations are referred to the Division of Enforcement due to either the seriousness of the violation or because the responsible party failed to comply with a notice of violation. These records document the Division's efforts to return the facility to compliance and to assess penalties to the entity or entities responsible for the violation(s). Agreed Orders, Demand Letters, and other correspondence with responsible parties will be included in this series.	This series may include Notice(s) of Violation; Follow-Up Inspection Reports; Referrals to Enforcement ; Demand Letters; Agreed Orders: Enforcement Referrals to the Office of Legal Services; Letters of Agreement, Administrative Proceedings, and judicial proceedings.	Agency: P	Records Center:	Archives Center:
				Retain in Agency.		

# STATE AGENCY RECORDS RETENTION SCHEDULE

Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Sanctions

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
05493	Sanction Records (V)	401 KAR Chapters 5 and 8 allow the Department to impose sanctions on the expansion of wastewater and drinking water systems that are unable to adequately treat the additional water. These sanctions limit the growth of a municipality until officials can demonstrate that their facilities have been upgraded or replaced and are capable of receiving the additional flow and maintaining a high quality of treatment. Limited exceptions are permitted with agency approval to accommodate growth that is in the greatest interest of the Commonwealth (e.g., schools, hospitals) This series documents the justification for the sanction, the process(es) being followed to allow removal of the sanction, the time frame to correct the problem and the consequences associated with the sanction.	Series may include: name and address of entity receiving sanction, Cabinet identification number of the entity; sanction letters, flow data, reports, and related correspondence.	Agency: I	Records Center:	Archives Center:
				Retain in Agency for 10 after expiration. Destroy		